

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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TAUBERT ELECTRIC MOTORS, LLC,

Plaintiff-Respondent,

Civil Action No.: 6:23-cv-1271 (DNH/ATB)

-against-

LIBERTY MUTUAL INSURANCE COMPANY and
OHIO SECURITY INSURANCE COMPANY,

Defendants-Petitioners.
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NOTICE OF REMOVAL

M A D A M S / S I R S:

Defendants-Petitioners LIBERTY MUTUAL INSURANCE COMPANY
("Liberty Mutual") and OHIO SECURITY INSURANCE COMPANY ("Ohio Security"), by
their attorneys, JAFFE & ASHER LLP, respectfully allege as follows:

1. On or about September 6, 2023, plaintiff-respondent TAUBERT
ELECTRIC MOTORS, LLC ("Taubert") commenced an action entitled Taubert Electric Motors,
LLC v. Liberty Mutual Insurance Company and Ohio Security Insurance Company, Index No.
EF2023-110810, in the Supreme Court of the State of New York, County of Herkimer, by the
filing of a Summons and Complaint. Upon information and belief, Liberty Mutual and Ohio
Security were served with the Summons and Complaint on or after September 15, 2023 via
service upon the Department of Financial Services.

2. The Complaint seeks a judgment against Liberty Mutual and Ohio
Security for, inter alia, breach of contract, insurer bad faith, and incidental and compensatory
damages. The Complaint further indicates that the relief sought is money damages in the amount
of \$400,000.00. A copy of the Summons and Complaint is annexed hereto as Exhibit "A".

3. The Notice of Removal is being filed by Liberty Mutual and Ohio Security
within thirty (30) days of the service of the Summons and Complaint and is timely filed pursuant

to 28 U.S.C. § 1441, 1446.

4. Liberty Mutual's and Ohio Security's time to appear, move, answer, or otherwise respond to the Summons and Complaint has not expired.

5. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332; upon information and belief, the amount in controversy exceeds \$75,000.00, and Liberty Mutual and Ohio Security, on the one hand, and all members of Taubert, on the other hand, are citizens of different states.

6. Upon information and belief, at all relevant times, Taubert was, and still is, a limited liability company organized pursuant to the laws of the State of New York with its principal place of business located at 10639 Prospect Junction Road, Remsen, NY 13438.

7. Upon information and belief, at all relevant times Taubert does not have any members who, at any time relevant herein, was or is a citizen of the Commonwealth of Massachusetts or State of New Hampshire for purposes of diversity jurisdiction.

8. Upon information and belief, at all relevant times, Taubert's members consist of Thomas Taubert and Vicky Taubert, who are both citizens of the State of New York, residing at 10639 Prospect Junction Road, Remsen, NY 13438.

9. At all relevant times, Liberty Mutual was, and still is, a stock insurance company organized pursuant the laws of the Commonwealth of Massachusetts, with its principal place of business located at 175 Berkeley Street, Boston, MA 02116.

10. At all relevant times, Ohio Security was, and still is, a stock insurance company organized pursuant the laws of the State of New Hampshire, with its principal place of business located at 175 Berkeley Street, Boston, MA 02116.

11. Written notice of the filing of the Notice of Removal shall be given to plaintiff-respondent, and Liberty Mutual and Ohio Security shall file the notice with the Clerk of

the Supreme Court of the State of New York, County of Herkimer, as required by law.

12. Liberty Mutual and Ohio Security have not appeared, answered, moved, or otherwise responded to the Summons and Complaint, and no other proceedings have occurred heretofore in this action.

13. No previous application for the relief requested herein has heretofore been made.

WHEREFORE, Defendants-Petitioners LIBERTY MUTUAL INSURANCE COMPANY and OHIO SECURITY INSURANCE COMPANY respectfully request that this action be removed to this Court.

Dated: White Plains, New York
October 12, 2023

Yours, etc.,

JAFFE & ASHER LLP

By: 

Marshall T. Potashner, Esq.

Glenn P. Berger, Esq.

Attorneys for Defendants-Petitioners
LIBERTY MUTUAL INSURANCE
COMPANY and OHIO SECURITY
INSURANCE COMPANY

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